IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application:	09/944,676	Examiner:	Mosser, Kathleen M
Filed:	August 31, 2001	Art Unit:	3713
Inventor:	Burgin, et al.	Atty Ref.:	1160215-0538115

Title: **SYSTEM AND METHOD FOR AUTOMATED END-USER SUPPORT**

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

    Applicant submits the following appeal brief in support of the applicants' Notice of Appeal, filed July 20, 2009, relating to the above-captioned patent application.

TABLE OF CONTENTS

I. <u>Real Party in Interest</u>.

The real parties in interest for the present application are Finali Corporation and Convergys Customer Management Group, Inc. Finali Corporation is the assignee of record per an assignment executed, on August 31, 2001, by inventors Daniel K. Burgin, Scott M. Gosling, David L. Young, and William R. Watler. Finali is a wholly-owned subsidiary of Convergys Customer Management Group, Inc.

II.   <u>Related Appeals and Interferences</u>.

There is currently pending an appeal of a final rejection of application 10/272,373 filed October 16, 2002, listing William Watler, Jonathan Phillips, and David Young as inventors, which may be related to or directly affected by the Board's decision in the pending appeal.

III.   Status of the Claims.

Claims 1-24 were originally filed in the present application.

Claims 1-36 were cancelled.

Claims 37-56 are currently pending in the present application and are under rejection. Claims 37-56 are the subject of the present appeal and are set forth in the Appendix (VIII) of this Brief.

IV.   <u>Status of Amendments</u>.

Prior to the most recent office action mailed April 17, 2009, (the "Office Action"), in this application, amendments were submitted on January 16, 2009. These amendments have been entered. No amendments have been submitted since then in this application.

V.   Summary of Claimed Subject Matter

Generally, claims in the present application improve web-based customer support by minimizing the costs associated with live agents while retaining customers through an interactive, automated help session that monitors ongoing actions by the end-user.[1]   An automated help session can provide co-browsing through an automated agent that is displayed in the end-user's browser window in a second frame.[2]   A browser can simultaneously display unrelated documents in its various windows and frames, however, certain security measures prevent "the free flow of data and event information" between frames.[3]   Embodiments of the present invention circumvent this "consistent page domain security requirement" to reduce the costs associated with live support while providing an automated, interactive help session.[4]

A.   Grouping of Claims

The applicants suggest the following grouping of claims for the present appeal:

Group I: Claims 37-44, 55-56.

Group II: Claim 45-52.

Group III: Claim 53.

Group IV: Claim 54.

The arguments for why these groups of claims are separately patentable are set forth in detail in the section VII of this brief.

B.   Antecedent Basis

With regard to each of the independent claims (37, 45, and 53), support for the limitations in those claims can be found in at least the locations indicated in bold in the following:

---

[1] *See* Application at [0008], [0011], [0040-0043] and Figures 6-7.
[2] *See* Application at [0011].
[3] *See* Application at [0040].
[4] *See* Application at [0023] and [0041].

Claim 37

37.   A computerized method for providing user support, the method comprising: **[0003]**

(a)   passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer and subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content is masked such that it appears to originate from the second domain; **[0038; 0040-0041]**

(b)   determining the present navigation location within the first frame using the navigation event; **[0023]**

(c)   initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent through the second frame; **[0022; Figure 6 at 300]**

(d)   monitoring one or both of:

(i)   a plurality of subsequent navigation locations of the end-user within the set of content of the first frame, or **[0012, 0023]**

(ii)   a plurality of subsequent navigation events initiated by the end-user within the set of content of the first frame, **[0023]**

wherein the act of monitoring comprises passing the one or both of a plurality of subsequent navigation locations or a plurality of subsequent navigation events to the second frame, wherein the act of monitoring is performed at least in part by the automated agent; and **[0042-0043; Figures 6-7]**

(e)   displaying the first frame and the second frame in a single web page at the end-user computer. **[0023]**

Claim 45

45.   A computerized method for providing user support, the method comprising: **[0003]**

(a)   passing, at an end-user computer, a navigation event from a first frame of a Web page originating from a first Internet domain to a second frame of the Web page originating from a second Internet domain, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer, wherein the Web page is subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content from the first frame is masked such that the set of content appears to originate from the second domain; **[0038; 0040-0041]**

(b)   determining the present navigation location within the first frame using the navigation event; **[0023]**

(c)   receiving automated help session content from the second Internet domain; **[0040-0041]**

(d)   providing a help session in the second frame at the end-user computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent, wherein the act of providing a help session comprises one or both of: **[0022; Figure 6 at 300]**

  (i)   monitoring a plurality of subsequent navigation locations of the end-user within the set of content in the first frame, or **[0012, 0023]**

  (ii)   monitoring a plurality of subsequent navigation events initiated by the end-user within the set of content in the first frame; and

(e)   displaying the first frame and the second frame in the Web page at the end-user computer. **[0023]**

Claim 53

53.   A computerized method for providing user support at an end-user's computer, the method comprising: **[0003]**

(a)   passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are contained within a single Web page that is subject to a consistent page domain security requirement, wherein the first frame comprises at least one link, wherein the at least one link is encoded to appear to have originated from the second domain; **[0038; 0041-0042]**

(b)   determining the present navigation location within the first frame using the navigation event; **[0023]**

(c)   providing an automated help session in the second frame at the end-user's computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided at least in part by an automated agent, wherein the act of providing an automated help session comprises: **[0022; Figure 6 at 300]**

(i)   monitoring navigation activities of the end-user within the first frame, **[0012, 0023]**

(ii)   passing data from the second frame to the first frame, and **[0040]**

(iii)   passing data from the first frame to the second frame; and **[0040]**

(d)   displaying the first frame and the second frame in the single Web page at the end-user computer;

wherein the end-user's computer, the first Internet domain, and the second Internet domain are separate domains. **[0042-0043; Figures 6-7]**

C.   Concise Summary of Claim Groupings

Group I is directed to a method of providing user support in which a navigation event is passed from a first frame originating from a first domain to a second frame originating from a second domain. While both the first frame and the second frame are displayed in a single web page on an end-user computer, the second frame originates from a second domain which is different from both the first domain and the end-user computer. As both the first and second domains are subject to the consistent page domain requirement, the content from the first frame is masked such that it appears to originate from the second domain.

Group II, like Group I, is directed to a method of providing user support. In the method of Group II, a navigation event is passed from a first frame of a web page to a second frame of the web page. Those frames originate from different internet domains, both of which are distinct from the end-user computer and are subject to the consistent page domain requirement. In Group II, the content from the first frame is masked such that it appears to originate from the second domain.

Group III has similar features of Groups I and II, and recites that the first frame comprises at least one link, where the at least one link is then encoded to appear to have originated from the second domain.

Group IV is directed to a method which includes gathering help data associated with a live session, updating a knowledge database with that help data, and using that help data from the updated knowledge database in a subsequent automated help session to provide assistance to an end-user.

VI.   Grounds of Rejection to be Reviewed on Appeal

(A)   Whether claims 37-53, and 55-56 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Publication No. 2002/0130895 ("Brandt") in view of U.S. Patent 6,256,620 ("Jawahar") and U.S. Patent 6,950,852 ("Kobayaghi").

(B)   Whether claims 45-52 are unpatentable under 35 U.S.C. § 103(a) as obvious over Brandt in view of Jawahar and Kobayaghi.

(C)   Whether claim 53 is unpatentable under 35 U.S.C. § 103(a) as obvious over Brandt in view of Jawahar and Kobayaghi.

(D)   Whether claim 54 is unpatentable under 35 U.S.C. § 103(a) as obvious over Brandt in view of Jawahar, Kobyaghi and U.S. Patent 6,694,314 ("Sullivan").

VII.   Argument

It is well settled that the burden of making out a prima facie case of obviousness lies with the Examiner.[5] It is also well settled that part of that prima facie case is showing that all limitations are taught or suggested in the prior art.[6] When making the rejection, each word in a claim must be considered,[7] and when being considered must be given an interpretation which is consistent with how one of ordinary skill in the art would understand it in light of the application's written description.[8] In the written description, the applicant is entitled to provide particular definitions for claim terms, either expressly,[9] or by implication.[10] If a rejection is based on a failure to consider all words in a claim, or on giving words in a claim interpretations which are inconsistent with the interpretations which would be reached by one of ordinary skill in the art, that rejection should be reversed.[11] Further, even if a showing can be made that all elements in a claim are found individually in the prior art, it is improper to reject that claim as obvious unless it can also be shown that it would have been obvious to modify the prior art so as

---

[5] E.g., MPEP § 2141 ¶ 1; In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998) ("to reject claims in an application under section 103, an examiner must show an unrebutted prima facie case of obviousness").

[6] E.g., Ex parte Wada, Appeal No. 2007-3733 (BPAI 2008) ("When determining whether a claim is obvious, an examiner must make 'a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.' In re Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, 'obviousness requires a suggestion of all limitations in a claim.' CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing In re Royka, 490 F.2d 981, 985 (CCPA 1974)).").

[7] In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art.").

[8] E.g., In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997) ("PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").

[9] E.g., MPEP 2111.01(iv) (citing Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301 (Fed. Cir. 1999) for the proposition that "Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim.").

[10] E.g., id. (citing Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) for the proposition that "The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in the context in the specification."); see also In re Robins, 429 F.2d 452, 456-57 (CCPA 1970) ("[W]here no explicit description of a generic invention is to be found in the specification[,] ... mention of representative compounds may provide an implicit description upon which to base generic claim language.").

[11] E.g., In re Cortright, 165 F.3d 1353 (Fed. Cir. 1999) (reversing a rejection which was based on interpreting a term in a manner which was inconsistent with the interpretation which would be reached by one of ordinary skill in the art); In re Wilson, 424 F.2d 1382 (CCPA 1970) (reversing a rejection which was based on failing to consider all words in a claim).

to assemble the elements in the manner claimed.[12] In practice, this requires that an obviousness rejection must include an explanation of "the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."[13]

    A.   Claims 37-53, and 55-56 are not properly rejected under 35 U.S.C. § 103(a) as obvious over Brandt in view of Jawahar and Kobayaghi

    1.   Claims 37-44 and 55-56

The rejections of claims 37-44 and 55-56 are improper and should be reversed because the art cited by the Office does not teach or suggest each limitation of claim 37. In particular, clause (a) of claim 37 (the "passing" step) recites the following:

> passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer and subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content is masked such that it appears to originate from the second domain.

Additionally, clause (d) of claim 37 (the "displaying" step) recites the following:

> displaying the first frame and the second frame in a single web page at the end-user computer.

As set forth below, the Office's arguments regarding both the passing step and the displaying step are flawed, and the rejections which depend on those arguments should be reversed.

---

[12] *E.g.*, *In re Kahn*, 441 F.3d 977, 986 (Fed. Cir. 2006) ("**mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole.** Rather, to establish a prima facie case of obviousness based on a combination of elements disclosed in the prior art, the Board must articulate the basis on which it concludes that it would have been obvious to make the claimed invention.") (emphasis added); *KSR International, Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1740 (2007) ("it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.").

[13] *In re Kahn*, 441 F.3d 977, 986 (Fed. Cir. 2006); *see also KSR International, Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1740-41 (2007) ("Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, **all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.**") (emphasis added).

a. the cited art does not teach or suggest that the set of content is masked such that it appears to originate from the second domain (the "masking requirement")

Initially, the applicants note that, when addressing the passing step, the Office conceded that the masking requirement is absent from both Brandt and Jawahar.[14] While the applicants appreciate (and agree with) this concession, the applicants submit that the masking requirement is also absent from Kobayaghi, the only other reference cited in the rejection of claim 37. Kobayaghi teaches technology for allowing multiple user machines to share browsers.[15] In Kobayaghi, sharing code, referred to as a PageManager, is embedded in web pages by a collaboration server.[16] A PageManager monitors changes in a web page being viewed by a user, and communicates these changes to PageManagers on other user computers so that the information presented on different user computers can be synchronized.[17] To support the operation of these PageManagers, the Kobayaghi technology uses a NodeManager which enables communications between individual PageManagers and a remote server.[18] The NodeManager is a Java applet which has an ***identical domain*** as the PageManager, and is embedded in a page which is independent of the page being viewed by the user.[19] According to Kobayaghi, because the PageManager and NodeManager have an identical domain, "data communication by shared memory is performed between a PageManager and a NodeManager on any browser without being limited by a facility of cross frame security [regardless of the domain of the page in which the PageManager is embedded]."[20] This is different from the masking requirement, because that requirement states that content from a first page which originates from a first domain is masked

---

[14] Office Action at 3 ("Brandt fails to specifically teach:…that the content from the first frame is masked so that it appears to originate from the second domain."); Office Action at 4 ("Jawahar et al, like Brandt et al fails to teach that the content of the first frame is masked so that it appears to originate from the second frame.").

[15] Kobayaghi, abstract.

[16] Kobayaghi, col. 2, l. 66 – col. 3, l. 11 ("the present invention is organized as follows. First, a collaboration server is provided for accumulating pages to be shared from a Web server retaining original pages. A collaboration server (hereafter, merely a 'server') comprises…a Embedder that embeds in each page a PageManager for controlling pages.").

[17] Kobayaghi, col. 2, ll. 45-49 ("A PageManager monitors a state of each page element in a page, detects changes and remotely exchanges information with a corresponding PageManager so as t dynamically perform setting of each page element to be in the same state.").

[18] Kobayaghi, col. 2, ll. 58-60 ("[There is] A NodeManager controlling a browser performs communication (session and synchronization) between each PageManager and a server.").

[19] Kobayaghi, col. 2, ll. 60-66 ("A NodeManager resides in a page independent from the shared Web…A PageManager and a NodeManager are embedded as Java applets which have an identical domain.").

[20] Kobayaghi, col. 2, l. 67-col. 3, l. 4.

such that it appears to originate from a different (second) domain. There is no need for such masking to take place in the sharing of Kobayaghi, because the sharing of Kobayaghi is based on communication between components with an identical domain, rather than including "passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain" as is recited in claim 37. Accordingly, the Office's rejection of claims 37-44 and 55-56 as obvious over the combination of Brandt, Jawahar and Kobayaghi is improper, as none of those references teaches or suggests the masking requirement from claim 37.

Regarding the arguments by the Office, when rejecting claims 37-44 and 55-56, the Office simply ignored the issue of whether Kobayaghi teaches masking content, rather than teaching sharing more generally. Specifically, the only explanation given for the citation of Kobayaghi was that that reference allegedly

> teaches a system and method for sharing web browser content amongst a plurality of users at remotely different locations and domains, See col. 2: 58-col. 3: 4 and col. 3: 66-col. 4: 3. It would have been obvious to employ the sharing technique as disclosed by Kobayaghi et al within the systems of Brandt et al and Jawahar et al so as to allow the sharing of content, including framed content, amongst a plurality of users without having to modify the underlying content and programming of the web page.[21]

Notably, the masking requirement, which is admittedly absent from both Jawahar and Brandt, was not even mentioned. Accordingly, the Office's rejections of claims 37-44 and 55-56 are flawed and should be reversed because the Office failed even to assert (let alone show) that the art of record teaches or suggests the masking requirement from claim 37.

---

[21] Office Action at 4.

b. the cited art does not teach or suggest displaying the first frame and the second frame in a single web page at the end-user computer.

As set forth previously, for a claim to be rejected as obvious, it is necessary to:

1) consider all words in the claim;

2) explain why one of ordinary skill would have assembled the prior art elements in the manner claimed.

The Office's rejection of claim 37 failed both of those requirements in its treatment of the displaying step.

Regarding the first requirement, the Office simply ignored the displaying step's requirement that the first and second frames be displayed in a single web page **at the end-user computer**. In rejecting claim 37, the Office conceded that the displaying step is absent from Brandt.[22] It then argued that Jawahar can remedy that deficiency in Brandt because Jawahar teaches "the use of multiple frames within a web-browser, including one indicating the help session and the other representing browser location."[23] However, the portion of Jawahar cited by the Office teaches that multiple frames can be displayed on the computer **of an agent** providing help to a customer, **not on an end-user computer** as recited in the displaying step.[24] This is significant not only because it means that Jawahar fails to meet the requirements of claim 37, but also because Jawahar teaches an entirely different method of communicating between computers than the method of communicating between frames recited in claim 37. In claim 37, navigation events are passed between frames on a single computer. By contrast, in Jawahar, information from a user computer is passed to an agent computer via a filtering service on an intermediate server.[25] Further, it would not be reasonable to argue that Jawahar teaches or suggests that the agent computer and the end-user computer are the same, because Jawahar specifies that the web

---

[22] Office Action at 3 ("Brandt fails to specifically teach: displaying the first frame and the second frame in a single web page at the user computer.")

[23] Office Action, at 3 (citing Jawahar, col. 12, ll. 21-64).

[24] *E.g.*, Jawahar, col. 12, ll. 21-24 ("FIG. 6 illustrates an embodiment of various windows (also referred to as frames) **displayed to an agent using the agent's computer**.") (emphasis added).

[25] Jawahar, col. col. 7, ll. 29-45 ("Web server 66 includes a filter service 68 that filters and modifies various web pages. Filter service 68 changes the web page content (e.g., by adding JavaScript methods) to allow the coordination and exchange of information between browser applications 72 [the agent's browser] and 78 [the customer's browser]. ... Thus, the changes made to the web page by filter service 68 allow other services, discussed below, to coordinate web pages and web page information between browser applications 72 and 78 such that the agent and the customer view the same web page with the same information.").

page being viewed by a user is only displayed to the agent after the agent has been selected to assist the user.[26] Accordingly, the rejection of claim 37 is fatally undermined by the Office's failure to consider all words in the displaying step, and therefore should be reversed.

Regarding the second requirement, the Office failed to consider the fact that the first and second frames recited in the displaying step refer back to the first frame which passes a navigation event to the second frame from the passing step.[27] As recited in the passing step, these frames originate from different domains which are both separate from the end-user computer. Rather than explaining why one of ordinary skill in the art would have assembled *those* frames so that they were displayed in a single web page on an end-user computer, the Office erroneously asserted that:

1) Brandt teaches passing a navigation event from a first frame to a second frame;[28]

2) Jawahar teaches passing information between a content frame and a live support session;[29]

---

[26] Jawahar, col. 17, ll. 4-7 ("When an agent has been selected, the web page being viewed by the user when requesting help is displayed on the selected agent's computer display.").

[27] For convenience, claim 37 is reproduced below, with the first and second frames in the displaying and passing steps highlighted in bold text:

        37.   A computerized method for providing user support, the method comprising:

              (a)   passing, at an end-user computer, a navigation event from **a first frame** originating from a first domain to **a second frame** originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer and subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content is masked such that it appears to originate from the second domain;

              (b)   determining the present navigation location within the first frame using the navigation event;

              (c)   initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent through the second frame;

              (d)   monitoring one or both of:

                    (i)   a plurality of subsequent navigation locations of the end-user within the set of content of the first frame, or

                    (ii)   a plurality of subsequent navigation events initiated by the end-user within the set of content of the first frame,

        wherein the act of monitoring comprises passing the one or both of a plurality of subsequent navigation locations or a plurality of subsequent navigation events to the second frame, wherein the act of monitoring is performed at least in part by the automated agent; and

              (e)   displaying **the first frame** and **the second frame** in a single web page at the end-user computer.

[28] Office Action at 2.

[29] Office Action at 3.

3)   Kobayaghi teaches the sharing of framed content between users at different domains and locations;[30]

However, the Office never asserted that Brand, Jawahar or Kobayaghi teaches or suggests frames having the characteristics recited for the first and second frames in claim 37. With respect to Brandt, the Office's argument that that references teaches a first and second frame relies on the assertion that the second frame is taught by a help window which originates from instructions in the user's computer memory.[31] Those "frames" cannot be the first and second frames from claim 37, because they do not originate from domains which are separate from the end user computer, a point which even the Office concedes.[32] With respect to Jawahar, the disclosure of passing information between a content frame and a live support session does not teach or suggest the first and second frames of claim 37, because Jawahar teaches that information regarding events on a user computer are passed to a remote server or other device,[33] not to a second frame displayed in a single web page on the end user's computer. With respect to Kobayaghi, the disclosure that different users can share content which includes frames does not teach or suggest that navigation events are passed between those frames, as is required for the first and second frames of claim 37. Indeed, the communication which is disclosed in Kobayaghi takes places between components (the PageManager and NodeManager) which differ from the first and second frames from claim 37 in at least two respects: they have an identical domain,[34] and they are not displayed in a single web page.[35] Accordingly, in arguing that the prior art teaches or suggest the displaying step, **the Office isolated the individual aspects of that step (e.g., frames, domains, passing, a single web page), took them out of context, and applied the cited art against those elements individually.** Consequently, because the Office failed to show why it would

---

[30] Office Action at 4.

[31] Office Action at 2 ("Brandt teaches a method for providing help/support information to user including the steps of: passing a navigation event (the help signal paragraph 29) from a first frame (web page) originating from a first domain (the web file) to **a second frame (the help window, paragraph 13) originating from a second domain (the instructions in the computer memory)**.") (emphasis added).

[32] Office Action at 3 ("Brandt fails to specifically teach:…that the user's computer, the first Internet domain, and second Internet domain are separate.").

[33] *See* Jawahar, col. 13, ll. 42-44 ("The data collected by the access monitoring application is provided from the user's computer to a server or other device, as discussed below.").

[34] *E.g.*, Kobayaghi, col. 2, l. 67-col. 3, l. 4 (discussed in section VII.A.1.a, *supra*).

[35] E.g., Kobayaghi, col. 3, ll. 41-46 ("A NodeManager is loaded into **a new browser window** as it is opened when a customer has logged in on a navigation event (the help signal) a start of sharing or by pressing a start of sharing button. **This window exists, if seen from a user, independently from a window to be shared** and is not closed during a sharing session. In this window, a user interface for switching a remote pointer and a normal mode, etc. are displayed.") (emphasis added).

have been obvious to assemble the elements in the displaying step in the manner claimed, the rejections of claims 37-44 and 55-56 are fatally flawed and should be reversed.

        2.   Claims 45-52

The rejections of claims 45-52 are improper because those claims include masking and displaying limitations which are similar to those discussed above with respect to claims 37-44 and 55-56, and which are neither suggested in the prior art nor addressed in the Office Action. In particular, clause (a) of claim 45 recites:

> passing, at an end-user computer, a navigation event from a first frame of a Web page originating from a first Internet domain to a second frame of the Web page originating from a second Internet domain, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer, wherein the Web page is subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content from the first frame is masked such that the set of content appears to originate from the second domain;

while clause (e) recites:

> displaying the first frame and the second frame in the Web page at the end-user computer

The applicants note that the prior art cited against claims 45-52 was identical to the prior art cited against claims 37-44 and 55-56, and that the Office did not differentiate between those claims when making its rejections.[36] Accordingly, the applicants submit that the arguments presented with respect to claims 37-44 and 55-56 apply equally to claims 45-52, and so the rejections of claims 45-52, like the rejections of claims 37-44 and 55-56, should be reversed.

        3.   Claim 53

Like the rejections of claims 45-52, the rejection of claim 53 is improper because that claim includes masking and displaying limitations which are similar to those discussed above with respect to claims 37-44 and 55-56. In particular, clause (a) of claim 53 recites:

> passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are

---

[36] See, e.g., Office Action at 4 (referring collectively to "the newly added limitations of claims 37, 45 and 53.")

contained within a single Web page that is subject to a consistent page domain security requirement, wherein the first frame comprises at least one link, wherein the at least one link is encoded to appear to have originated from the second domain

while clause (d) recites:

displaying the first frame and the second frame in the single Web page at the end-user computer;

wherein the end-user's computer, the first Internet domain, and the second Internet domain are separate domains

The applicants note that the prior art cited against claim 53 was identical to the prior art cited against claims 37-44 and 55-56, and that the Office did not differentiate between those claims when making its rejections.[37] Accordingly, the applicants submit that the arguments presented with respect to claims 37-44 and 55-56 apply equally to claim 53, and so the rejection of claim 53, like the rejections of claims 37-44 and 55-56, should be reversed.

B. Claim 54 is not properly rejected under 35 U.S.C. § 103(a) as obvious over Brandt in view of Jawahar, Kobayaghi, and Sullivan

The applicants initially note that the rejection of claim 54 as obvious is improper because that claim depends indirectly from claim 37, and the limitations identified previously as not being taught or suggested by the combination of Brandt, Jawahar and Kobayaghi are also not taught or suggested by the combination of Brandt, Jawahar, Kobayaghi and Sullivan. Indeed, the only portion of Sullivan cited, which the Office identified as even potentially relevant to any of the limitations discussed previously, is lines 31-44 of column 7. The Office asserts that this section describes "the masking features."[38] However, the assertion that that section of Sullivan teaches masking content from the first frame so that it appears to originate from the second domain is clearly incorrect. Instead, the cited portion of Sullivan teaches an approach to maintaining security throughout a single logical session comprised of multiple TCP sessions. By contrast, **the masking requirement** discussed above **is designed to circumvent** the consistent page domain security requirement, **not to maintain security**, as taught in Sullivan. This contrast can be brought into sharp relief by comparing paragraph 38 of the specification as originally

---

[37] *See, e.g.*, Office Action at 4 (referring collectively to "the newly added limitations of claims 37, 45 and 53.")

filed, which states that "to circumvent the consistent page domain security requirement, the annotation server 200 masks the content from the content provider 115 so that it appears to originate from the same domain as the automated agent (step 275)" with lines 39-40 of column 7 of Sullivan, which states that "a given data set is preferably sealed to restrict access to the data to those having proper credentials." As a result, not only does the section of Sullivan cited by the Office fail to teach the masking requirement discussed above, it actually teaches a technique (sealing data to restrict access) which is incompatible with masking. Accordingly, the rejection of claim 54 should be reversed because the combination of Brandt, Jawahar, Kobayaghi and Sullivan fails to teach or suggest the same limitations addressed with respect to claims 37-44 and 55-56.

Additionally, even if the combination of Brandt, Jawahar, Kobayaghi and Sullivan did teach or suggest the limitations discussed in part VII.A, the rejection of claim 54 would still be improper because the combined art of record does not teach or suggest the additional limitations recited in claim 54. In the Office Action, the Office conceded that the following points with respect to Brandt in view of Jawahar in view of Kobayaghi:

- They fail to teach:
  - "gathering help data associated with the live help session. . ."
  - ". . . updating a knowledge database with the help data . . ."
  - ". . . using the help data from the updated knowledge database in a subsequent automated help session to provide assistance to the end-user"[39]

The applicants agree that Brandt in view of Jawahar and in view of Kobayaghi fails to teach or suggest the specified limitations. In addition, the applicants submit that Sullivan fails to teach or suggest these limitations. The Office Action states "Sullivan teaches keeping a database of help provided to a user, and using this database to further enhance the automated help systems in col. 3. 39-51 and col. 13: 3-28."[40] However, the applicants submit that this characterization of Sullivan is incorrect. Sullivan is directed to technology in which information from a live help session is used to aid a **support engineer** "located at the technical support server."[41] In other words, the reference cited as teaching using knowledge from a live session to provide assistance

---

[38] Office Action at 5.
[39] Office Action at 3-4.
[40] Office Action at 5.
[41] See Sullivan at col. 3, ll. 5-60.

in **subsequent automated sessions** is actually directed to using live help session information to aid **live help support**, which is at odds with providing a "subsequent **automated help** session" as recited in claim 54. As such, the additional limitations recited in claim 54 provide further independent grounds for why the Office's rejection of that claim is improper and should be reversed.

Respectfully submitted,

Burgin et al.

By /William S. Morriss/
William S. Morriss Reg. No. 60,477
Attorney for Applicants
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6915

VIII.   CLAIMS APPENDIX

37.   A computerized method for providing user support, the method comprising:

    (a)   passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer and subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content is masked such that it appears to originate from the second domain;

    (b)   determining the present navigation location within the first frame using the navigation event;

    (c)   initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent through the second frame;

    (d)   monitoring one or both of:

        (i)   a plurality of subsequent navigation locations of the end-user within the set of content of the first frame, or

        (ii)   a plurality of subsequent navigation events initiated by the end-user within the set of content of the first frame,

wherein the act of monitoring comprises passing the one or both of a plurality of subsequent navigation locations or a plurality of subsequent navigation events to

the second frame, wherein the act of monitoring is performed at least in part by the automated agent; and

(e)   displaying the first frame and the second frame in a single web page at the end-user computer.

38.   The method of claim 37, further comprising:

(a)   receiving data that was collected from the end-user in the automated help session;

(b)   initiating a live help session, wherein the live help session is provided by a live human agent; and

(c)   passing the collected data to the live help session.

39.   The method of claim 37, further comprising:

(a)   receiving data that was collected from an end-user in the first frame; and

(b)   passing the data collected in the first frame to the second frame.

40.   The method of claim 37, wherein the first frame comprises a content frame.

41.   The method of claim 37, further comprising passing a command from the automated help session to the first frame.

42. The method of claim 37, further comprising:

    (a)   receiving data that was collected in the automated help session; and

    (b)   passing the data to the first frame.

43. The method of claim 38, further comprising:

    (a)   receiving data that was collected in the live help session; and

    (b)   passing the data to the first frame.

44. The method of claim 38, further comprising:

    (a)   receiving data that was collected from the end-user in the second frame; and

    (b)   passing the data to the live help session.

45. A computerized method for providing user support, the method comprising:

    (a)   passing, at an end-user computer, a navigation event from a first frame of a Web page originating from a first Internet domain to a second frame of the Web page originating from a second Internet domain, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer, wherein the Web page is subject to a consistent page domain requirement, wherein the first

frame comprises a set of content, wherein the set of content from the first frame is masked such that the set of content appears to originate from the second domain;

(b)   determining the present navigation location within the first frame using the navigation event;

(c)   receiving automated help session content from the second Internet domain;

(d)   providing a help session in the second frame at the end-user computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent, wherein the act of providing a help session comprises one or both of:

(i)   monitoring a plurality of subsequent navigation locations of the end-user within the set of content in the first frame, or

(ii)   monitoring a plurality of subsequent navigation events initiated by the end-user within the set of content in the first frame; and

(e)   displaying the first frame and the second frame in the Web page at the end-user computer.

46.   The method of claim 45, further comprising:

(a)   receiving data that was collected from the user in the automated help session;

(b)   initiating a live help session, wherein the live help session is provided by a live human agent; and

(c)   passing the collected data to the live help session.

47.   The method of claim 45, further comprising:

(a)   receiving data that was collected from an end-user in the first frame; and

(b)   passing the data collected in the first frame to the second frame.

48.   The method of claim 45, wherein the first frame comprises a content frame.

49.   The method of claim 45, further comprising passing a command from the automated help session to the first frame.

50.   The method of claim 45, further comprising:

(a)   receiving data that was collected in the automated help session; and

(b)   passing the data to the first frame.

51.   The method of claim 46, further comprising:

(a)   receiving data that was collected in the live help session; and

(b)   passing the data to the first frame.

09/944,676

52.   The method of claim 46, further comprising:

(a)   receiving data that was collected from the end-user in the second frame; and

(b)   passing the data to the live help session.

53.   A computerized method for providing user support at an end-user's computer, the method comprising:

(a)   passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are contained within a single Web page that is subject to a consistent page domain security requirement, wherein the first frame comprises at least one link, wherein the at least one link is encoded to appear to have originated from the second domain;

(b)   determining the present navigation location within the first frame using the navigation event;

(c)   providing an automated help session in the second frame at the end-user's computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided at least in part by an automated agent, wherein the act of providing an automated help session comprises:

-30-

(i)   monitoring navigation activities of the end-user within the first frame,

(ii)   passing data from the second frame to the first frame, and

(iii)   passing data from the first frame to the second frame; and

(d)   displaying the first frame and the second frame in the single Web page at the end-user computer;

wherein the end-user's computer, the first Internet domain, and the second Internet domain are separate domains.

54.   The method of claim 38, further comprising:

(a)   gathering help data associated with the live help session;

(b)   updating a knowledge database with the help data; and

(c)   using the help data from the updated knowledge database in a subsequent automated help session to provide assistance to the end-user.

55.   The method of claim 37, wherein the first domain is associated with a first address, wherein the second domain is associated with a second address, the method further comprising masking one or both of the first or second addresses to create an appearance that the first and second addresses are the same address.

56.   The method of claim 37, further comprising receiving a request from the end-user for assistance, wherein the act of initiating an automated help session is performed in response to receiving the request from the end-user for assistance.

IX.   <u>EVIDENCE APPENDIX</u>

None.

X.   <u>RELATED PROCEEDINGS APPENDIX</u>

None.